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SMITH & HOPEN PA  
15950 BAY VISTA DRIVE  
SUITE 220  
CLEARWATER FL 33760

In re Application of:  
Israel Morejon et al  
Application No. 10/064,570  
Filed: July 26, 2002  
For: **SYMMETRIC SPERICAL QAM  
CONSTELLATION**

**MAIL**

Paper No. 5

**DEC 11 2002**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600**

**DECISION ON PETITION  
TO MAKE SPECIAL**

This is a decision on the petition filed August 15, 2002 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:


- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references.

The petition provides one copy of each of the Literature documents. The petition fails to provide one copy of each of the US patents deemed most closely related to the subject matter encompassed by the claims. Applicant stated that a copy of the IDS previously filed with the application and copies of references already filed and of record are not included herewith. A review of the record, it appears that IDS and copies of the US patents were never of record in this application. Accordingly, the petition is **DENIED**.

Should applicant desire reconsideration, he or she should supplement this petition by including the information as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision.

The application is being forwarded to the group Central Files and will await action in its regular turn.

  
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